

**MINUTES**  
**YANCEYVILLE TOWN COUNCIL**  
**January 9<sup>th</sup>, 2018**  
**7:00 PM**

The meeting of the Town Council was held in the Council Chambers at the Yanceyville Municipal Services Building on January 9<sup>th</sup>, 2018 7:00 PM.

**Council members present:** Alvin Foster- Mayor, Odessa Gwynn- Mayor Pro Tem, Keith Tatum, Margie Badgett-Lampkin, and Brian Massey

**Staff:** Brian Collie- Town Manager, Lee Farmer- Town Attorney, and Kamara Graves- Assistant Town Clerk

**Item 1: Call to Order**

Mayor Alvin Foster called the meeting to order at 7:00 PM. Meeting opened with a silent prayer. He asked all to stand for the pledge of allegiance. Mayor Foster also stated that the Yanceyville Town Council rules and procedures reflect the revisions of the North Carolina open meetings law of the North Carolina General Statutes, a copy of the Yanceyville Town Council rules and procedures are available upon request.

**Item 2: Review and Adoption of Agenda – Mayor & Council**

Mayor Foster asked Council for a motion to approve the agenda as presented with any additions or deletions. Mayor Pro Tem Gwynn made a motion to approve the agenda. The motion was seconded by Councilman Massey and passed with a unanimous.

**Item 3: Consent Agenda- Minutes from December 5<sup>th</sup>, 2017**

Mayor Council asked Council to review the minutes from the December 5<sup>th</sup>, 2017 Town Council Meeting. After review Mayor Pro Tem Gwynn made a motion to adopt the minutes as presented. The motion was seconded by Councilman Massey and passed a unanimous vote.

**Item 4: Public Comment**

Mayor Foster asked, Town Manager Collie did any one sign up for Public Comment? Town Manager Collie replied yes. Mayor Foster acknowledged the list and explain that each person who signed up for public comment would need to state their name and address.

Mayor Foster acknowledged John Claggett.

My name is John Claggett 108 Jaye Lane, Providence North Carolina. I thank Council for allowing me this opportunity to speak tonight. I would like Council to be aware of all of the following. The Pledge of Allegiance is an oath of Allegiance to the United States addressed to both the Flag and the Republic. Historically, an oath of Allegiance is an oath whereby subjects or citizens acknowledges a duty of Allegiance and swears loyalty to a

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Monarch or Country. In Republics modern oaths specify Allegiance to the Country in general, or the Country's Constitution. Officials in the United States, a Republic take an Oath of Office that includes swearing Allegiance to the United States Constitution. An Allegiance is a duty of fidelity said to be owed, or freely committed by the people, subjects, or citizens to their State or Sovereign. Mr. Claggett stated, I urge you Madame Councilmember to think of your constituents, and take a closer look at your oath of office that you took, that I believe ended with so help me God. That's all I have thank you.

Mayor Foster acknowledged Greg Purcell, Inframark, LLC

Good evening my name is Greg Purcell with Inframark, formerly known as Severn Trent. Mr. Purcell stated that as of January 1<sup>st</sup>, 2018 Inframark operates the Water and Wastewater Plants in Yanceyville. We are glad to finally be in the door and making changes that will make the facilities run smoothly. Mr. Purcell explained that several people in Town experienced low water pressure Saturday morning (January 6<sup>th</sup>, 2018), and the issue was addressed before six o'clock Saturday evening. He explained that a call out system has been implemented so in the event of future issues it can be addressed in a timely fashion. Mr. Purcell stated that if anyone has any questions he would be more than happy to answer.

Mayor Foster acknowledged Fred Smith

My name is Fred Smith 373 Main Street E. Yanceyville North Carolina also the Commander of the Foreign Wars Post 7316, a member of the American Legion Post 89, member of the Disabled Veterans Chapter 72 of Person and Caswell Counties, Military Order of the Purple Hearts, and Marine Corps League of Burlington, NC. I also have two Purple Hearts earned as a Marine in Vietnam. I along with many other Veterans left a part of our lives, youth, and blood on the sand in Vietnam, and other areas of the world.

Greetings, to Council and thank you for the opportunity to speak here today. I also served eight yeas as a Town Councilman here in Yanceyville as well. As you can see here tonight there are several Veterans that have severed this nation as well. All of the freedoms came from Veterans like these that fought for you to be able to assemble, worship, pray, talk about your government, the right to be educated, and many other freedoms. Thank about how fortunate you are to be able to meet tonight and represent the citizens of Yanceyville. The majority of Countries around the world would never allow you this freedom.

All of the Veterans in VFW Post 7316 served in combat areas. Many of us went to war and had combat duties. Many other Veterans gave their lives, loss limbs, and many came home with severe mental and physical difficulties. For the Veterans that served in the Military wherever they served we all owe these Veterans both men and women who also serve today in many places that others have never heard of the utmost respect.

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Can you imagine if the Veterans of WWI and WWII would have lost those wars they fought in? Again, think of all your freedoms. This is the part of the Council Meeting that you as an American and Elected Official have the opportunity to recite the Pledge of Allegiance. Its 29 words that mean so much. A part of swearing-in when elected, is that you are sworn -in to represent the citizens you serve. I have heard but not seen until tonight that a Councilperson serving the Town of Yanceyville choose to sit during the Pledge of Allegiance. That Councilperson doesn't represent me. It rather have offended me and all veterans. Let me explain a bit further

I -Me; an individual; a committee of one.

Pledge-Dedicate all of my worldly good to give without self-pity.

Allegiance- My love and my devotion.

To the Flag- Our standard. "Old Glory"; a symbol of Freedom. And whenever she waves, there is respect, because your loyalty has given her a dignity that "Freedom is everybody's job."

Of the United- that mans we have all come together.

States of America- Individual communities that have united into 48 great states; 48 individual communities with pride and dignity and purpose; all divided by imaginary boundaries, yet united to a common cause, and that's love of country, of America.

And to the Republic For Which Its Stands – A Republic: a sovereign state in which power is invested into the representatives chosen by the people to govern; and the government is the people; and its's from the people to the leaders, not from the leaders to the people.

One Nation- meaning "so blessed by God".

Indivisible -Incapable of being divided.

With Liberty- Which is freedom; the right of power for one to live his own life without fears, threats, or any sort of retaliation

And Justice – the principle and qualities of dealing fairly with others.

For All- That means, boys, and girls, its as much your country as it is mine.

You see many of the Vietnam Veterans who returned home were spat upon by people. When you do not recite as you stand for the Pledge of Allegiance or stand, and put your hand over your heart for the National Anthem, then you might as well spit in my face or slap me it has the same affect. I am completely offended, and you are supposed to represent me. If you choose to sit during the Pledge Of Allegiance that is your choice, but remember you have completely offended every Veteran that has served and died to give you this freedom. What is even worse is when multi- millionaires not in your case or in our case, and people with great jobs, and retirement living a great life with all the freedoms take a knee, sit for the Pledge, and sit for the Anthem, all need to thank a Veteran and maybe even apologize. Mr. Smith explained that with all the faults that we have with our government, have you sat down and thought about this action, and how you can individually improve it? Take a long look at how to be apart of the solution and not the problem.

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Have you ever took a look at all the people taking a knee, and sitting during the Pledge and the Anthem? All of these people are most likely well off, here in Yanceyville you need to give thanks for all you have and especially to the Veterans.

This past December, Veterans were a part of the Christmas Parade for the Chamber of Commerce. I made a statement to another Veteran about how respectable the Sheriff's Deputies were to stand to attention and salute the flag. I also made the comment about when you see a child or young person salute the flag. Maybe some should learn from the children. We also had a flag retirement service the same day. The Girl and Boy Scouts help the Veterans retired about 100 flags. We did it with respect, and it was a beautiful ceremony. During the ceremony we recited the Pledge of Allegiance and it was lead by an eagle scout. So, in my closing I would like to thank Council for the opportunity to speak tonight because in any other Country I would not have the freedom to do so.

My final comment of the tonight sit if you choose Veterans gave you that right. You can correct your mistake and apologize to all Veterans that you have offended. There is much more that I can say, but it will be for another day. Remember, the part I said about returning Vietnam Veterans being spat up, well if you sit for the Pledge of Allegiance you don't represent me you offend me, and you might as well have spat in my face. Thank you.

Mayor Foster acknowledged Jim Martin

My name is Jim Martin 1555 US Hwy 185 W. I want take nearly as much time as I took two months ago when I was here. The only thing left for me to say is I have yet to receive an answer to my question as to why? Why the Councilmember doesn't respect our Country enough to stand and Pledge her Allegiance to it, and if she could respond to that I would appreciate it.

Mayor Foster stated, there is no response.

Mr. Martin stated, I want it to go on record, Thank you

**Item 5: Fiscal Year 2016-2017 Financial Report- Patricia Rhodes-with Stout, Stuart, McGowen, and King LLP**

Mayor Foster introduced Patricia Rhodes from Stout, Stuart, McGowen, and King LLP to come before council and discuss the Town's 2016-2017 audit financial reports. Mrs. Rhodes thanked Town Council for allowing her to come before them. Mrs. Rhodes stated that she would like to provide Town Council a summary of the report, and then answer any questions that Council may have.

After giving a brief summary, she directed Council to turn to page three, and she went over the Independent Auditors Report. Mrs. Rhodes informed Council that the Town

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received an un-modified opinion, which is the best opinion that can be received. She asked Council to turn to page six the Management Analysis Report, in which she spoke very highly of the job staff had performed.

Mrs. Rhodes stated that in this fiscal year revenues exceeded expenditures. She stated the Town's solvency ratio was above the average percentage required by the LGC, and was very high compared to similar towns in the state of North Carolina.

Finally, Mrs. Rhodes went over two letters one concerning the segregation of duties and the other indicating that the auditors had no problems nor disagreement with Town Management. Mrs. Rhodes thanked Council for allowing her company to be the auditors for the Town, and clarified that if they had any questions or concerns she would address them.

Mrs. Rhodes thanked Town Manager Collie, Finance Officer Ryan Strader, and other Town Staff for their assistance during the audit. Mayor Foster thanked Mrs. Rhodes for her work.

**Item 6: Duke Energy Saving Assessment Review**

Town Manager Collie updated on the Duke Energy Saving Assessment Review. Town Manager Collie explained that Duke Energy supplies the Town's power. Town Manager Collie stated that Duke Energy has a program, Duke Energy Small Business Energy Saver.

The Town Buildings with the interior lighting as well as exterior lighting Duke Energy has an incentive program if the Town choose to covert the current lighting into an energy saving LED lighting. Town manager Collie stated that he contacted Duke Energy and representative Matt Early was very quick to respond. Town Manager Collie explained that he scheduled a meeting Mr. Early and himself completed an assessment and went through all of the top Town owned buildings with a lot of energy usage such as Municipal Building 158 East Church St , Water Plant 1316 Main St , Sewer Plant 666 Pine Drive, and Old Town Hall 200 Church St.

Town Manager stated that it is a lot of information to digest ,and he would like to bring it back before Council in February to discuss a more specific proposal after they and review the presentation given by Mr. Early.

**Item 7: Certificate of Sufficiency for Voluntary Annexation Review & Filing**

Attorney Lee Farmer stated that during December Town Council Meeting a Petition of Voluntary Annexation was filed with Council for the Williams property. The Williams's requested that the property be brought into Town Limits under a Voluntary Annexation.

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Town Attorney Farmer explained to Council that Town Manager Collie would have to executed a certificate of sufficiency on the William Property that the petition qualifies for a Voluntary Annexation.

Town Attorney Farmer explained that Council would need to schedule a public hearing for the Voluntary Annexation of the Williams Property. Attorney Farmer suggested February 6<sup>th</sup>, 2018 as the Public Hearing. Town Council agreed to have the Public hearing for the Williams Tract on February 6<sup>th</sup>, 2018

**Item 8: Town of Yanceyville Recreational Playgroup Project Discussion and Pre-Approval**

Town Manager Collie explained that this discussion was brought to Council in the past in Closed Session. Town Manager Collie stated that he has preliminary drafts if anyone in the public would like to review them. Town Manager Collie explained that the property located on Main and Cole Street that lies between the Cole Street and the Caswell County Historical Association property up to the Pavilion is the desire location of the playground/splash pad. He explained that there is a volunteer group that has formed seeking/requesting that the Town consider a playground or recreational type project to be place in the desired location. Currently, with the preliminary draft describes a half and half type project. One half being a splash pad, and the other half a conventional playground. The splash pad can be utilized by youth in the summer months and the conventional playground can be utilized year round by youth. Town Manager Collie explained that the group had approached Council during Closed Session, and it seems on paper a great idea he emphasized that he didn't want to speak out of turn or for anyone. He elaborated that the locality of the project could potentially bring young families, and youth to the area. He stated that he thought this project would be an economic driver, and would increase foot traffic if done correctly and the if funding is found. Town Manager Collie explained that Nicki Bettis and the group of volunteers have shown a lot of interest in this project. He explained that Mrs. Bettis has several representatives with different organizations within the County and Town that are collaborating together in this project. Town Manager Collie explained that Council would need to consider some type of preliminary approval before the volunteer group could officially start seeking potential funding for the project from local, state, and federal organizations. Town Manager Collie explained that tonight he would like a preliminary approval from Council for the project if the group finds funding. He explained that the Town would still have complete control over the property, and the property would still be owned by the Town.

Mayor Foster stated that the group is focusing on playground equipment for special needs children. He explained that the preliminary approval gives the group the ability to seek funding for the project. He elaborated that the recreational project would bring families with children into the Town along with the future Veterans Memorial and 9/11 Memorial. He explained that the different venues could potentially present opportunities for business to come to the Town .

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Mayor Foster made a motion to give preliminary approval to the volunteer group to seek funding for the recreational project. The motion was seconded by Mayor Pro Tem Gwynn, and passed with a unanimous vote.

**Item 9: Review and Approval of Resolution Requesting NCDOT to add Quails Meadows Road in Secondary Road System**

Town Manager Collie explained that Quails Meadows is a subdivision that was annexed into the Town in early 2016. It is currently a private easement to the private drive for the subdivision. The Town has had several discussions, and a Public Forum about Quails Meadows several times in the past. At this time the Town has come to an agreement with the NCDOT to make Quails Meadows a state maintained secondary road. He explained that it will go from a private drive to a state- maintained road where the state will maintain the upkeep of the road. Town Manager Collie stated that the Town has gone through all the necessary steps at this point to start construction. The NCDOT has allocated funds to start the project, and the Town will have to pay it back through Powell Bill Funds, which are funds allocated each year to the Town for sidewalks and road maintenance. It will be a 10 year pay back with a 0% interest which is feasible for the Town to repay. Town Manager Collie stated that this is a formality and the last step for the Town has to complete before the construction. Town Manager Collie stated that NCDOT has Quails Meadows on the schedule to start this project in the Spring 2018. He explained that this is a resolution that the Town is requesting NCDOT to do this project.

Mayor Foster asked Council for a motion. Councilman Massey made a motion to move forward with NCDOT adding Quails Meadows to the Secondary Road System. The motion was seconded by Mayor Pro Tem Gwynn and passed with a unanimous vote.

**Item 10: Town Attorney Report**

Attorney Farmer updated Council on the 2017 Town of Yanceyville Annexation Report. During the calendar year of 2017 the Town annexed voluntarily 439.315 acres into the Town.

Attorney Farmer provided Council with a summary of pending risk management issues involving our Town. An annual review of these issues was conducted by Trident Insurance Services on behalf of the Town's insurance carrier. Attorney Farmer explained that over the years we have taken their recommendation and addressed the issues. The following existing and new Town of Yanceyville legal and risk management concerns include Sidewalk Inspection Program, Municipal Premise Surveillance System, Municipal Service Building Auto Defibrillator, Municipal Art Museum, Signage, Public Works Department Vest, Mold Testing and Removal, and General Public Safety Concerns.

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Attorney Farmer also informed Council that since the November 5, 2017 incident at Sutherland Springs Texas he has received several memorandums, email, and warning notices from the Legal Division U.S. Department of Homeland Security, International Municipal Lawyers Association and John Jay College of Criminal Justice concerning the vulnerability of small towns for acts of mass violence based on the recent national studies and reports small municipalities of population of less than 10,000 will be the prime location for future acts of violence similar to the Texas tragedy. The above organizations recommend that governing boards of small municipalities review their current public safety situation and make appropriate changes or arrangements.

Lastly, Attorney Farmer updated Council on the proposed open- space easement agreement that was prepared by the law firm Raleigh NC that the Town has dealt with for about two years. He explained that they have sent rough draft of the proposed easement which involves the property on Firetower Road own by the Johnston Family. The Johnston Family will give the Town a 50ft easement. It will be an open- space easement where it joins the Maud Gatewood Park. Attorney Farmer emphasized that he wanted to be sure that this document was consistent with what Council wanted. Council agreed that it was consistent other than open -space easement wording rather than conservation easement.

**Item 11: Town Manager Report**

Town Manager Collie updated Council that the next Joint Council Meeting would be February 8, 2018 at 6:00pm hosted by the Town of Milton.

Town Manager Collie explained that the Town's Building Use Request, states if a political party or any political affiliation request use of the Municipal Building it will have to be approved by the Town Council first. Town Manager Collie noted that the GOP would like to use the Municipal Building meeting room on Tuesday January 16<sup>th</sup>, 2018 from 7pm until 8:30pm.

Mayor Foster asked Council for a motion. Mayor Pro Tem Gwynn made a motion to allow the GOP the use of the Municipal Building meeting room on Tuesday January 16<sup>th</sup>, 2018 from 7pm -8:30pm with proper paperwork submitted. The motion was seconded by Councilwoman Badgett and passed with a unanimous vote

Town Manager Collie also updated Council that the NCDOT intends to construct and install a new stoplight in Town limits at the intersection of highway 62, 86N, and 158 that runs into Main Street around or about Spring of the 2018.

Town Manager Collie also updated Council on that the office space connected to Town Hall has been rented to Whispering Willow Counseling Services with the same lease agreement as tenants received in the past.



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**Item 12: Closed Session G.S. 143-318.11 Contractual and Economic Development**

Mayor Foster asked for a motion to go into closed session G.S. 143-318.11 Contractual and Economic Development. A motion was made by Mayor Pro Tem Gwynn. The motion was seconded by Councilwoman Badgett-Lampkin, and passed with a unanimous vote.

After Council re-entered the chambers from Closed Session Mayor Foster asked for a motion to come out of Closed Session. Mayor Pro Tem Gwynn made a motion to come out of closed session. The motion was seconded by Councilman Massey, and passed with an unanimous vote.

Mayor Foster asked for a motion to go back into Regular Session. Mayor Pro Tem Gwynn made a motion to go back into Regular Session. The motion was seconded by Councilwoman Badgett-Lampkin, and passed with an unanimous vote.

Mayor Foster stated, that while in Closed Session Council had nothing to report at this time.

**Item 13: Informal Discussion/Public Comment- Discussion & Comments must directly relate to agenda items**

None

**Item 14: Adjournment**

Mayor Foster asked Council for a motion to adjourn. After no further discussion, Councilman Tatum made a motion to adjourn. The motion was seconded by Councilwoman Badgett- Lampkin, and passed with a unanimous vote.

Brian Collie, Town Manager/Clerk, and Kamara Graves, Assistant Town Clerk prepared the above minutes. They represent a brief description of those matters that were addressed at this meeting. A detailed account of this meeting is available for review on tape at the Yanceyville Municipal Services Building.

Respectively Submitted:

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Alvin Foster, Mayor

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Brian Collie, Town Manager / Clerk

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Kamara Graves, Assistant Town Clerk